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9 PENGUIN MAGIC, INC.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 YIGAL MESIKA, an individual,
14 Plaintiff,
15 vs.
16 PENGUIN MAGIC, INC., a Nevada
17 corporation, DOES 1-10, inclusive,
18 Defendant.

19 Case No. 2:15-cv-09314-RGK-DTB

20 **DEFENDANT PENGUIN MAGIC,
21 INC.'S NOTICE OF
22 WITHDRAWAL OF ITS MOTION
23 FOR SUMMARY JUDGMENT**

24 Judge: Hon. R. Gary Klausner

25 Date: October 31, 2016
26 Time: 9:00 a.m.
27 Place: Courtroom 850
28 255 E. Temple St.
Los Angeles, CA 90012

TO THE COURT, PLAINTIFF AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that pursuant to L.R. 7-16, and the parties
settlement at mediation, Defendant Penguin Magic, Inc. ("Penguin") hereby
withdraws its Motion for Summary Judgment [Dkt. 35], together with its Statement
of Uncontroverted Facts and Conclusions of Law [Dkt. 37], filed on September 28,
2016.

1
2
3 October 24, 2016

POLSINELLI LLP

4
5 /s/TODD MALYNN

6 By: Todd M. Malynn, Esq.

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CERTIFICATE OF SERVICE

The undersigned certifies that on October 24, 2016, the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Central District of California, using the Court's Electronic Case Filing (ECF) system. The ECF system routinely sends a "Notice of Electronic Filing" to all attorneys of record who have consented to accept this notice of this document by electronic means.

Dated: October 24, 2016

POL SINELLI, PC

By: /s/AJ Cruickshank
AJ Cruickshank

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